



In the Matter of:

ETHEL P. SELF,

ARB CASE NO. 98-110

COMPLAINANT,

ALJ CASE NO. 97-STA-35

v.

DATE: July 21, 1998

JACKSON RAPID DELIVERY SERVICE,

RESPONDENT.

BEFORE: THE ADMINISTRATIVE REVIEW BOARD

FINAL DECISION AND ORDER

This case arises under the employee protection provision of the Surface Transportation Assistance Act of 1982 (STAA), 49 U.S.C.A. §31105 (West 1994). Complainant, Ethel P. Self (Self), alleged that Respondent, Jackson Rapid Delivery Service (Jackson) violated the STAA when it discharged her from her position as a truck driver. In a Recommended Decision and Order (RD), the Administrative Law Judge (ALJ) found that Self's request for a hearing was timely, but that Self did not establish a STAA violation. The ALJ recommended dismissal of the complaint.

The ALJ's findings of fact, RD at 3-7, are supported by substantial evidence on the record as a whole, and therefore are conclusive. 29 C.F.R. §1978.109(c)(3). We accept the ALJ's credibility determinations as well. Since the ALJ correctly applied the law to the facts, we accept his legal findings and conclusions. Therefore, we adopt the RD, which is attached, and **DISMISS** the complaint.

SO ORDERED.

KARL J. SANDSTROM
Chair

PAUL GREENBERG
Member

CYNTHIA L. ATTWOOD
Acting Member